

# Memorandum



**To:** City Council  
**From:** Ken Coleman  
**Date:** May 20, 2013  
**Re:** Water Rights Matter

In Case No. **15CW3021**, Link, LLC ("Link") filed an application to change its Vista Business Center ("VBC") Well Field on Tomichi Creek. The City was an objector in Link's Case No. 12CW114, in which the well field originally was decreed. Link now wishes to change the conditional ground water right for the VBC Well Field to allow for twelve wells, rather than the six that were decreed in Case No. 12CW114. The application indicates that all other limitations imposed on the VBC Well Field in the 12CW114 decree (for instance, the limitations on rate and volume of pumping) also will be imposed by the decree to be entered in Case No. 15CW3021. The purpose of the additional six wells is to provide for each lot within the VBC property to be served by its own well, rather than by a well shared with another lot.

If the decree eventually entered in Case No. 15CW3021 does, in fact, contain all of the terms and conditions imposed by the decree entered in Case No. 12CW114, there should not be any significant concerns for the City in this case. However, because of the importance of Tomichi Creek to the City's water rights, it is recommended that the City consider filing a statement of opposition to ensure that Link's requested change in Case No. 15CW3021 will not injuriously expand the VBC Well Field water right approved in Case No. 12CW114. If the City does choose to file a statement of opposition, it is anticipated that participation in the case would be very limited, because terms and conditions on the VBC Well Field was accomplished in Case No. 12CW114.

It is recommended that Council **approve the City Manager to sign the statement of opposition in Case No. 15CW3021** to allow the City to remain active in the proceedings.